THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23123 OF 2005

Dated 9th November 2005

Between:

V.Murali Mohan S/o.Joga Rao

…Petitioner

And

The Deputy General Manager and

Disciplinary Authority, State Bank of India,

Visakhapatnam & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23123 OF 2005

O R D E R:

The petitioner is working as Officer of Junior Management, Grade I, in State Bank of India. The first respondent issued a charge memo dated 14.5.2005, requiring the petitioner to submit explanation to the four imputations made against him. The petitioner challenges the same on two grounds. According to him, the first respondent is not the disciplinary authority under the State Bank of India Officers Service Rules, for short "the Rules", for the post of Officer of Junior Management, Grade I. The second ground is that the charge memo is not accompanied by the material, on the basis of which the charges were framed.

Smt. BH.Bharathi Devi, learned counsel for the petitioner, submits that according to the Rules, the General Manager is the disciplinary authority for the post held by the petitioner, and that the first respondent does not have jurisdiction. It is also her case

that the charges are vague, and the charge memo is not accompanied by supporting documents, and in that view of the matter, it would not be possible for the petitioner to submit proper explanation.

Learned Standing Counsel for the respondents took notice, and after obtaining instructions, placed before this Court the copies of the Amended Rules. He submits that the relevant particulars relating to the charges have already been furnished, and that no exception can be taken to the impugned charge memo.

So far as the first contention is concerned, it is true that the Rules, as contained in the printed booklet, prescribe the General Manager, as the disciplinary authority, for the post held by the petitioner. However, with effect from 4.2.1997, the relevant rule has been amended, conferring the power of disciplinary authority, upon the Deputy Manager, the first respondent herein. Therefore, the contention of the petitioner, in this regard, cannot be accepted.

So far as the second contention is concerned, a perusal of the impugned charge memo discloses that the dates of absence have been clearly indicated, on the rear side of it. In relation to charge No.3, the copy of the letter, which is said to have been addressed by the petitioner, was not furnished to him. Further, charge No.4 is too vague to be dealt with by the petitioner. In that view of the matter, the respondents shall supply the material relied upon by them, in framing the charges, to the petitioner, and the petitioner shall be under obligation to submit the explanation, only on receiving such material.

For the foregoing reasons, the writ petition is disposed of, directing that the first respondent shall cause supply of copies of documents and the material relied upon by him, in framing the charges, to the petitioner, and that the petitioner shall be under obligation to submit his explanation, within two weeks from the date of receipt of the same. There shall be no order as to costs.

_____

9th November 2005

PAN